

**REMARKS**

Claims 1, 4, 5, 7, 9, 10, 12-16, and 21 are pending in this application. By this Amendment, claims 1, 4, 5, 15, and 16 have been amended, and claims 2, 3, 6, 8, 11, and 17-20 have been canceled. No new matter has been added. Applicants respectfully request prompt examination and allowance of this application.

**§ 112, Second Paragraph, Rejection**

In the Office Action, claims 6, 8, and 11 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. As mentioned above, claims 6, 8, and 11 have been canceled, thus obviating the rejection under § 112. Accordingly, Applicant requests withdrawal of the § 112 rejection.

**§ 102(b) Rejections**

Claims 1, 15, and 21 were rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 5,673,605 to Chung (hereinafter "Chung"); claims 1, 15, 16, and 20 were rejected under § 102(b) over U.S. Patent No. 5,063,742 to Yoshimatsu (hereinafter "Yoshimatsu"); and claims 1, 15, 18, and 20 were rejected were rejected under § 102(b) over U.S. Patent No. 5,315,828 to Stellwagen et al. (hereinafter "Stellwagen").

Applicant respectfully traverses these rejections.

Chung does not disclose or suggest a fluid control system including, *inter alia*, (1) "a combination main relief and by-pass valve disposed at a first flow line, the first flow line being configured to provide fluid communication between [a] source of pressurized fluid and [a] motor return flow line," (2) "a pilot relief valve disposed at a second flow line, the second flow line being configured to provide fluid communication

between [a] pilot pump and the motor return flow line in parallel with the first flow line,” and (3) “at least one of the first and second flow lines [being] configured to provide make-up fluid to the motor,” as included in independent claim 1. Quite to the contrary, Chung discloses a cavitation prevention device including a valve 3 for providing pressure above the tank T with return fluid of the motor 1. Chung does not disclose or suggest a first flow line having a combination main relief and by-pass valve and a second flow line, parallel to the first flow line, having a pilot relief valve, wherein at least one of the first and second flow lines is configured to provide make-up fluid to the motor, as recited in claim 1.

Similarly, Stellwagon fails to disclose at least the same three features of independent claim 1. Instead, Stellwagon discloses a valve assembly having an undersupply control activated by pressure compensators 33. Stellwagon makes no mention of a first flow line having a combination main relief and by-pass valve and a second flow line, parallel to the first flow line, having a pilot relief valve, wherein at least one of the first and second flow lines is configured to provide make-up fluid to the motor, as recited in claim 1.

Yoshimatsu also fails to disclose or suggest at least the three aforementioned features recited in claim 1. As acknowledged by the Examiner, Yoshimatsu “does not disclose that a pilot pump provides fluid across a pilot relief valve and to the dedicated flow line” and “does not disclose that the main relief valve is a combination main relief and bypass valve.” Office Action, pages 3 and 5, respectively.

For reasons similar to those discussed above in connection with claim 1, Chung, Stellwagon, and Yoshimatsu each fail to disclose or suggest the features of

independent claim 15. For example, neither Chung nor Stellwagon nor Yoshimatsu discloses or suggests, *inter alia*, (1) "directing fluid from the pressurized supply to a first flow line that includes a combination main relief and by-pass valve," (2) "directing fluid from a pilot fluid supply to a second flow line that includes a pilot relief valve, the second flow line being parallel to the first flow line," and (3) "supplying a dedicated make-up fluid supply from at least one of the first flow line and the second flow line to a valve arrangement at a location between the at least one motor and the back pressure element," as recited in claim 15. Accordingly, the § 102(b) rejections of claims 1, 15, 16, 18, 20, and 21 over Chung, Stellwagon, and Yoshimatsu should be withdrawn.

### **§ 103 Rejections**

Claims 3, 4, 18, and 19 were rejected under 35 U.S.C. § 103 over Yoshimatsu in view of U.S. Patent No. 4,067,193 to Norick (hereinafter "Norick"); claim 21 was rejected under § 103 over Yoshimatsu in view of Chung; claims 5, 7, 9, 10, and 14 were rejected under § 103 over Yoshimatsu in view of Norick, and further in view of Chung. Additionally, claims 2 and 17 were rejected under § 103 over Yoshimatsu in view of U.S. Patent No. 5,062,266 to Yoshimatsu (hereinafter "Yoshimatsu II"); claims 6, 8, and 11 were rejected under § 103 over Yoshimatsu in view of Norick and Chung, and further in view of Yoshimatsu II; and claims 12 and 13 were rejected under § 103 over Yoshimatsu in view of Norick, and further in view of U.S. Patent No. 4,665,699 to Krusche (hereinafter "Krusche"). Applicants respectfully traverse these rejections.

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All of the § 103 rejections listed above are based on Yoshimatsu in view of other documents. None of these other documents overcome the above-noted deficiencies of Yoshimatsu.

Particularly, Norick does not disclose or suggest, *inter alia*, a first flow line having a combination main relief and by-pass valve and a second flow line, parallel to the first flow line, having a pilot relief valve, wherein at least one of the first and second flow lines is configured to provide make-up fluid to the motor, as recited in claim 1. Instead Norick discloses a hydrostatic transmission implement system including flow control valve 18 for controlling fluid flow to and from a rotary hydraulic motor 12. The system also includes a relief valve 52 and a check valve 54 "for protecting the system against overpressurization." Norick, column 4, lines 11-14. Both the relief valve 52 and the check valve 54 are in fluid communication with flow line 21 and thus may provide make-up flow to the pump 14. Norick, column 2, lines 63-65. However, control valve 18 only provides flow from the motor 12 to flow line 21, and not from the flow line 21 to the motor 12. Therefore, neither the relief valve 52 nor the check valve 54 is disposed in a flow line configured to provide make-up fluid to the motor 12. Indeed, Norick makes no mention whatsoever of providing make-up fluid to the motor 12.

Chung does not overcome the above-noted deficiencies of Yoshimatsu and Norick for the same reasons discussed above under "§ 102 Rejections," and is not relied upon for such teachings. With respect to the § 103 rejections of claims 5, 7, 9, 10, 14, and 21, the examiner only relies on Chung for the alleged teaching of a cylinder return line that does not pass across the back pressure element.

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Yoshimatsu II and Krusche also fail to overcome the above-noted deficiencies of Yoshimatsu, Norick, and Chung, and are not relied upon for such teachings.

Yoshimatsu II is relied upon for the alleged teaching of a combination main relief and bypass valve, and Krusche is relied upon for the alleged teaching of pairs of meter-in and meter-out valves.

For reasons similar to those discussed above in connection with claim 1, Yoshimatsu, Norick, Chung, Yoshimatsu II, and Krusche, alone or in combination, do not disclose or suggest the features of independent claim 15. For example, Yoshimatsu, Norick, Chung, Yoshimatsu II, and Krusche, alone or combination, do not disclose or suggest, *inter alia*, (1) "directing fluid from the pressurized supply to a first flow line that includes a combination main relief and by-pass valve," (2) "directing fluid from a pilot fluid supply to a second flow line that includes a pilot relief valve, the second flow line being parallel to the first flow line," and (3) "supplying a dedicated make-up fluid supply from at least one of the first flow line and the second flow line to a valve arrangement at a location between the at least one motor and the back pressure element," as recited in claim 15.

Therefore, Yoshimatsu, Norick, Chung, Yoshimatsu II, and Krusche, alone or in combination, do not disclose or suggest the features of independent claims 1 and 15. Accordingly, Applicant submits that the § 103 rejections based on these documents should be withdrawn.

Claims 4, 5, 7, 9, 10, 12-14, 16, and 21 depend from either claim 1 or claim 15 and are therefore allowable for at least the same reasons, respectively, that claim 1 or

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15 is allowable. Accordingly, Applicant respectfully requests withdrawal of the claim rejections and timely allowance of the pending claims.

The Office Action contains characterizations of the claims and the related art, with which Applicant does not necessarily agree. Unless expressly noted otherwise, Applicant declines to subscribe to any statement or characterization in the Office Action.

If the Examiner believes a telephone conversation might advance prosecution, the Examiner is invited to call Applicant's undersigned attorney at 202-408-4252.

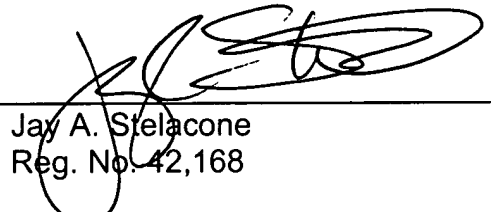
To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this reply, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§1.16 or 1.17, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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By: \_\_\_\_\_

  
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